

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

NAVOPACHE ELECTRIC COOPERATIVE, INC.

Employer,

and

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL 387

Charging Party.

CASE: 28-CA-118333

**MOTION TO WITHDRAW MOTION FOR SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, FOR PARTIAL SUMMARY JUDGMENT**

Navopache Electric Cooperative, Inc. ("NEC"), by and through its undersigned attorneys, hereby moves for leave to withdraw its Motion for Summary Judgment or, in the Alternative, for Partial Summary Judgment filed on April 7, 2014. This Motion relies and is based upon notice from the Regional office that it will defer all the allegations contained in the pending unfair labor practice Complaint to the grievance and arbitration provisions embodied within the parties' current labor agreement, pursuant to the NLRB's deferral doctrine. *Collyer Insulated Wire*, 192 NLRB 837 (1971). Based upon further notice from the Regional office, the unfair labor practice Complaint will then be withdrawn and dismissed by its order.

Earlier, on April 3, 2014, Counsel for the General Counsel, Fernando Anzaldúa, advised counsel for the parties that he intended to withdraw the information request allegations from the pending unfair labor practice Complaint, i.e., Paragraphs 7(d), (e), (f). See, Brief in Support of Motion for Summary Judgment or, in the Alternative, for Partial Summary Judgment, at page 6, footnote 1. Counsel for the General Counsel further advised the ALJ assigned to this matter, in a

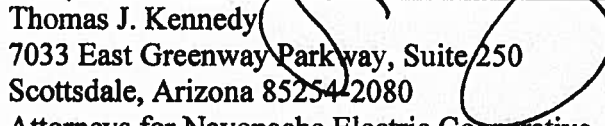
pretrial conference call among counsel and the ALJ held on April 3, 2014, of the Region's intent to amend the Complaint so as to remove the above-described allegations.

Wherefore, NEC requests that its previously filed Motion for Summary Judgment or, in the Alternative, for Partial Summary Judgment be withdrawn.

Respectfully submitted April 11, 2014.

SHERMAN & HOWARD L.L.C.

By



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CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2014, a true and correct copy of the foregoing **MOTION TO WITHDRAW MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, FOR PARTIAL SUMMARY JUDGMENT** was filed using the NLRB e-filing system and served upon the following by depositing a copy of same in the United States Mail, postage pre-paid, and via e-mail transmission, as follows:

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